

FILED
 UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

CLERK, U.S. DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Christopher George MILLER

Defendant.

Magistrate Case No. DEPUTY

COMPLAINT FOR VIOLATION OF

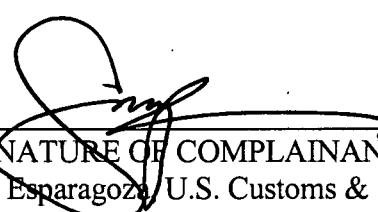
Title 8, U.S.C., Section
 1324(a)(2)(B)(iii)-
 Bringing in Illegal Alien(s)
 Without Presentation

'07 MJ 2453

The undersigned complainant being duly sworn states:

On or about **October 12, 2007**, within the Southern District of California, defendant **Christopher George MILLER**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Yolanda GOMEZ-Rodriguez**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


 SIGNATURE OF COMPLAINANT
 Sara Esparagoza, U.S. Customs &
 Border Protection Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 15th DAY OF
OCTOBER 2007.


 UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

I, United States Customs and Border Protection (CBP) Enforcement Officer Fernando Cerda, declare under penalty of perjury the following to be true and correct:

The complainant states that **Yolanda GOMEZ-Rodriguez** is a citizen of a country other than the United States; that said alien has admitted she is deportable; that her testimony is material; that it is impracticable to secure her attendance at trial by subpoena; and that she is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On October 12, 2007 at approximately 0433 hours **Christopher George MILLER (Defendant)** was awaiting application for admission into the United States from Mexico at the vehicle entrance of the San Ysidro Port of Entry. Defendant was the driver and sole visible occupant in a burgundy 1997 Ford F-250. During pre-primary roving operations, a CBP service canine alerted to the rear passenger side cabin door of Defendant's vehicle. Upon inspection before a CBP Officer Defendant gave a negative declaration, stated the vehicle belonged to his friend and that he was going to work. The inspecting officer conducted a cursory inspection of the vehicle and noticed the back seat was raised abnormally high from the floor. Vehicle was escorted to secondary inspection.

In secondary, a CBP Officer removed the back rest and discovered a male concealed between the backrest and the back wall. The male was assisted and removed from the vehicle. Officers then removed a wooden board that was covering the front opening of the bench and a female was discovered concealed under the rear seat bench.

Further investigation revealed the two individuals to be citizens of Mexico with no entitlements to enter the United States. The female was retained as a Material Witness and is now identified as Yolanda Gomez-Rodriguez.

During a videotape proceeding, Defendant was advised of his Miranda rights and elected to submit to questioning without benefit to counsel. Defendant admitted knowledge of the concealed aliens. Defendant admitted he was going to receive \$600.00 USD to deliver the vehicle and aliens to an undisclosed location in the U.S. Defendant stated that once he entered the United States he was going to receive a phone call from a smuggler for further directions.

During a separate videotape interview, Material Witness declared she is a citizen of Mexico who has no legal right or benefit to enter the United States. Material Witness stated she was going to Los Angeles, California. Material Witness stated her family was going to pay \$3,000.00 USD to an unknown person upon her arrival to Los Angeles.

EXECUTED ON THIS 12th DAY OF **October 2007** AT 1034 hours.



Fernando Cerda / CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of (1) page, I find probable cause to believe that the defendant named therein committed the offense on **October 12, 2007** in violation of Title 8, United States Code, Section 1324.



MAGISTRATE JUDGE

10/13/07 1016 hrs

DATE / TIME